



North Carolina Department of Natural and Cultural Resources
State Historic Preservation Office

Ramona M. Bartos, Administrator

Governor Roy Cooper
Secretary Susi I. Hamilton

Office of Archives and History
Deputy Secretary Kevin Cherry

June 15, 2017

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

RE: Wireless Infrastructure Notice of Proposed Rulemaking (NOPRM) and Notice of Inquiry (NOI),
WT Docket Nos. 17-79 and 15-180

Dear Ms. Dortch:

Thank you very much for the Public Notice of April 21, 2017, concerning WT Docket Nos. 17-79 and 15-180, "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment." We take the opportunity to comment because of the vital connection between these docket items and our review responsibilities on behalf of the public under the National Historic Preservation Act. We wished to provide information regarding our experience with review of undertakings for wireless technology deployment.

We appreciate your agency's commitment to help better facilitate the installation of this critical technology, particularly in rural parts of our country; when wireless broadband is part of the basic infrastructure of a community, our shared constituents can communicate more widely and easily with all corners of the globe. However, we believe that the existing Nationwide Programmatic Agreements and related guidance from the FCC and the Advisory Council on Historic Preservation are more than adequate to balance the need for greater access to broadband without causing irreparable harm to historic places. We do not believe that the proposal set forth in these docket items necessarily improves or more effectively streamlines the current review framework, and instead would like to offer some general comments and perspective to aid in the FCC's engagement with industry and with our offices.

Review times and protocols. In the last year, our office reviewed 166 FCC projects. Nearly half (48%, or 79 reviews) were completed in one week; three-quarters (77%, or 127 reviews) were completed within 14 days; 90% (150 reviews) completed within 3 weeks; and **97% (161 reviews) within 30 days**. We pride ourselves on timely and professional reviews.

Our ability to make timely reviews rests largely on several factors:

- One, our office started a GIS mapping enterprise (HPOWEB) approximately ten years ago, and we can find locations of proposed infrastructure along with historic resources (National Register-listed

or eligible as well as Determined Eligible and Surveyed) and determine areas of potential effect very deftly, accurately, and efficiently.

- Two, we encourage electronic submittals of requests for project review with a dedicated email address that queues projects for reviews. (We are also investigating implementation of a web-based submission system that would further streamline our internal processes, and hope to have it in place in coming months.)
- Three, we continue to hone our internal processes to eliminate multiple “hand backs” between our staff, and emphasize “one touch” and “move it on”.

We agree with the National Conference of State Historic Preservation Officers that the most common cause of any failure to is on the part of the applicant to provide adequate information to support their application. When additional information is not provided that we need for a determination – including such a basic fact as the precise location of the proposed installation – we cannot make a timely review.

Consequently, we would encourage industry to adopt similar methods to help us help them:

- Send us a request for review electronically with spatial layers (so we can immediately see it in GIS) versus paper submissions. Paper submissions add another few days of time because of the time needed to navigate the postal system or private delivery service and then the time needed to forward it through our state mail service system. Electronic submission is much preferable.
- As much information as possible should be shared with SHPOs at the time of application for project review. For example, applicants may not share with us the expected appearance or footprint of the proposed installation, triggering us with a request for additional information. We presume that applicants have a pretty good idea of what they are looking to install; please share that information with us to help us help industry move the project forward through review.

Fees. As a recipient of federal Historic Preservation Funds (HPF), our office does not and cannot charge fees for review of FCC or any other federal agency’s undertakings under Section 106 of the National Historic Preservation Act. Likewise, our HPOWEB GIS mapping enterprise is open to the public for free use (as mandated by state law, archaeological layers are kept in-house because of privacy concerns).

Review by Certified Local Governments. In regards to Items 39 and 75, SHPO review should not be substituted for that of a Certified Local Government. None of the 48 Certified Local Governments in North Carolina has sought enhanced review powers under the federal Certified Local Government program. As a result, it is difficult to say how willingly or enthusiastically these local governments would embrace review responsibilities that the SHPO would normally take on. Likewise, not all Certified Local Governments have Secretary of the Interior (SOI) qualified personnel with preservation backgrounds who would be able to help their commissions – most members are lay persons – make a Section 106 determination. Additionally, local governments may be faced with insufficient information to make a determination, in which case, they would be turning to SHPOs anyway for assistance.

Although North Carolina’s historic preservation commissions make design review decisions, they are mandated to be of a quasi-judicial nature. However, at the local level, it is possible that such decisions can be politicized, and SHPO review would help to distance the project from such influences. Additionally, under North Carolina law, local historic preservation commissions have up to 180 days to make a Certificate of Appropriateness determination, and can delay demolition of any locally designated resource (whether or not it is on the National Register or eligible for it) for up to 365 days. Again, that timeframe is highly variable from state to state, and within some states, even between local governments (particularly in

states where home rule is in place and/or where there is not a highly detailed statewide statutory scheme for local preservation commissions).

Additionally, the powers of historic preservation commissions in Certified Local Governments vary very widely from state to state, and some states (West Virginia, for example) have design review as an optional power, subject to grant only by the local governing body establishing the commission. Consequently, some commissions may not be empowered by state law to review Certificates of Appropriateness, and instead are vested only with community outreach and education powers. Such commissions may not be empowered to make such a review even though they are a Certified Local Government.

Finally, currently there is a SHPO for each state and territory, a universe of less than 60; substituting the review of SHPOs for states and territories for FCC reviews for the nearly **2000** Certified Local Governments would seem to complicate reviews more than simplify it.

We look forward to further consultation with your office, the Advisory Council for Historic Preservation, the National Conference of State Historic Preservation Officers, our state and local partners, and all other stakeholders. Our aim is to continue to find common ground between the mission of better communication and preservation of cultural resources and historic places in our country. Thank you very much for the opportunity to make these comments and for your kind consideration.

Sincerely,

A handwritten signature in red ink, appearing to read "Ramona Bartos", written in a cursive style.

Ramona Bartos, Deputy
State Historic Preservation Officer

CC: Renee Gledhill-Earley, Environmental Review Coordinator, NC State Historic Preservation Office

